

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Tammy Barker, Timothy Robert Barker, and)
Melisa Merryman, on behalf of themselves)
and on behalf of those similarly situated,)
)
Plaintiffs,) Case No. 08 C 50015
)
v.) Judge Reinhard
) Magistrate Judge Mahoney
Local 150, International Union of)
Operating Engineers, AFL-CIO,) Trial by Jury Demand
)
Defendant.)

**DEFENDANT'S MOTION FOR AN INITIAL EXTENSION
OF TIME TO FILE AN ANSWER OR OTHER RESPONSIVE PLEADING**

Defendant International Union of Operating Engineers, Local 150, AFL-CIO (“Local 150”), moves pursuant to Rules 7(a) and 12(a)(1) of the Federal Rules of Civil for an extension of time in which to file an answer or otherwise plead. In support thereof, Local 150 states as follows:

1. On January 21, 2008, Plaintiffs filed their four-count Complaint. Plaintiff's Complaint spans 45 pages and includes 81 paragraphs; subsumed within the 81 paragraphs are an additional 94 subparts. In total, the 45-page Complaint contains 175 averments.
2. On January 31, 2008, Local 150 was served with the Complaint. Under Rule 12(a)(1)(A), Local 150 currently has until February 19, 2008, to answer or otherwise plead.
3. Given the breadth of the pleading, the complexity of the factual and legal issues raised therein, and the press of other matters, Local 150 respectfully requests an extension of time in order to conduct an adequate fact investigation and prepare the appropriate responsive pleading. Specifically, Local 150 requests an additional 60 days to answer or otherwise plead.

4. With respect to scheduling, the Local 150 Legal Department currently has a trial in the Northern District of Indiana scheduled to begin on March 19; a three-day trial before an administrative law judge of the National Labor Relations Board scheduled to begin on March 4; another three-day trial before an administrative law judge scheduled to begin on March 12; a trial in the Northern District of Illinois scheduled to begin on April 7; and a response to a Rule 56 Motion due to this Court on March 10; in addition to other regular business.

5. On February 14, 2008, counsel for Local 150 spoke to counsel for Plaintiffs, Robert Hanlon, on the telephone. Counsel for Plaintiff would not agree to the proposed 60-day extension; counsel said he would only agree to an additional 20-day extension.

6. This Motion is not being made to prejudice any of the parties or delay these proceedings.

WHEREFORE, Local 150 respectfully requests this Court to grant Local 150 an additional 60 days to answer or otherwise plead.

Date: February 15, 2008

Respectfully submitted,

INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 150, AFL-CIO

By: s/Bryan P. Diemer
One of the Attorneys for Defendant Local 150

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on February 15, 2008, he electronically filed ***Defendant's Motion for an Initial Extension of Time to File an Answer or other Responsive Pleading*** with the Clerk of Court using the CM/CM/ECF system which sent notification to the following:

Mr. Robert T. Hanlon
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